

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Local Public Hearing
8 March 25, 2008
9 Joplin, Missouri
Volume 2

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11

12 In the Matter of The Empire)
District Electric Company of)
13 Joplin, Missouri for Authority to)
File Tariffs Increasing Rates for) Case No. ER-2008-0093
14 Electric Service Provided to)
Customers in the Missouri Service)
15 Area of the Company)

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18 CHERLYN D. VOSS, Presiding,
REGULATORY LAW JUDGE.

19

20 ROBERT M. CLAYTON III,
TERRY JARRETT,
COMMISSIONERS.

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1 P R O C E E D I N G S

2 JUDGE VOSS: We'll begin. First I'd like
3 to apologize for the technical difficulties we're
4 experiencing. Hopefully we'll minimize those and move
5 forward.

6 I'd like to say good evening. It's
7 Tuesday, March 25th, 2008. The Missouri Public Service
8 Commission has set this time for a local public hearing in
9 Case No. ER-2008-0093 in which the Empire District
10 Electric Company seeks to implement a rate increase for
11 its electric services.

12 The Missouri Public Service Commission
13 regulates the rates charged by investor-owned companies in
14 Missouri to ensure that those rates are just and
15 reasonable. The Commission also regulates the quality of
16 service and safety of the operations of investor-owned
17 utilities.

18 The Commission is made up of five
19 Commissioners, three of whom will be joining us tonight:
20 Commissioner Clayton, Commissioner Jarrett, and the
21 Chairman, Jeff Davis, will be with us shortly.

22 Again, this is an official hearing of the
23 Missouri Public Service Commission, and the statements and
24 testimony of witnesses will be recorded and must be given
25 under oath. For the purpose of this hearing tonight --

1 the purpose of the hearing tonight is to hear from you
2 regarding the subject of the proposed rate increase.
3 Tonight's your opportunity to testify, and your remarks
4 will be part of the official case file.

5 If you are unable to testify tonight for
6 any reason, there are fliers to pick up at the door, and
7 those fliers will have a space for you to make written
8 comments, and they include both the Commission's mailing
9 address, web address and fax number. You can fill out the
10 form tonight and give it to a Staff member at the back of
11 the room, or you can fill them out later and mail or fax
12 them to the Commission. You can also enter your comments
13 directly by going to the Commission's website.

14 If you have any questions, you can reach
15 the Commission's Staff at 573-751-3234 or the Public
16 Counsel at 573-751-4857. Both the Staff and Public
17 Counsel's numbers should be located on the fliers that are
18 at the back of the room. Whether it's received live
19 tonight, in writing or through the Commission's website,
20 all testimony will be made part of the official case file
21 and will be available for the Commission's consideration.

22 For witnesses who wish to testify live, I
23 will call the name of the witness who signed up to speak
24 in the order in which you signed up. When your name is
25 called, you'll come forward to the podium. Please spell

1 thrown by the fact that there was no court reporter here.
2 I'm Judge Voss. I'm the Regulatory Law Judge for the
3 Public Service Commission, and I'll be presiding over this
4 hearing this evening.

5 Next we're going to take entries of
6 appearance from the Office of the Public Counsel.

7 (Not recorded.)

8 JUDGE VOSS: Commission Staff.

9 (Not recorded.)

10 JUDGE VOSS: Thank you. Are any of the
11 other parties represented by counsel tonight that would
12 like to make an entry of appearance?

13 (Not recorded.)

14 JUDGE VOSS: I'm going to ask now, would
15 any of the Commissioners like to make any opening remarks
16 before we proceed with testimony? Okay. Would you like
17 to bring up the first witness, Mr. Ochoa?

18 (Not recorded.)

19 JUDGE VOSS: Could you please spell your
20 name for the record.

21 (Not recorded.)

22 JUDGE VOSS: I have a couple preliminary
23 questions I just want to verify with you. Could you spell
24 your name for me?

25 (Not recorded.)

1 JUDGE VOSS: Now, Ms. Putnam --

2 (Witness sworn.)

3 JUDGE VOSS: And are you a customer of
4 Empire?

5 (Not recorded.)

6 JUDGE VOSS: Thank you. Ms. Putman, the
7 Commissioners have a few questions for you if you don't
8 mind. Commissioner Clayton?

9 COMMISSIONER CLAYTON: Ms. Putman, my name
10 is Robert Clayton and I'm one of the five members of the
11 Public Service Commission. I want to thank you first for
12 coming out tonight and sharing some of your time with us.
13 We appreciate your testimony, and I assure you that all
14 the other Commissioners will be reviewing the transcript
15 of this hearing. I have several questions. Would you
16 mind if I ask you several questions?

17 (Not recorded.)

18 COMMISSIONER CLAYTON: I understand. Can
19 you tell me, are you happy with the quality of service
20 that you receive from Empire? Do the lights stay on?

21 (Not recorded.)

22 COMMISSIONER CLAYTON: And are you happy
23 with the billing that you receive from Empire? Are the
24 bills clearly written? Do you understand them and did you
25 ever call Empire? Are you happy with the customer service

1 that they give you?

2 (Not recorded.)

3 COMMISSIONER CLAYTON: Okay. Ms. Putman,
4 can you tell me if you lost power in the recent ice storm
5 or any of the recent storms that have gone through?

6 (Not recorded.)

7 COMMISSIONER CLAYTON: Okay.

8 (Not recorded.)

9 COMMISSIONER CLAYTON: Well, if we can all
10 be connected with a hospital. I understand. If you did
11 not lose power, then I don't have any further questions.
12 Thank you for your testimony.

13 JUDGE VOSS: Commissioner Jarrett?

14 COMMISSIONER JARRETT: Ms. Putman, this is
15 Commissioner Terry Jarrett. I don't have any questions,
16 but I just wanted to thank you for your testimony. It's
17 very important, and we appreciate it. Thank you.

18 JUDGE VOSS: One moment. Are there any
19 questions from counsel? Sorry for the confusion. Are
20 there any questions for this witness from the attorneys
21 present?

22 (Not recorded.)

23 JUDGE VOSS: You may be excused. Thank you
24 very much for your testimony.

25 COMMISSIONER CLAYTON: Call the next

1 witness, Mr. Ochoa.

2 JUDGE VOSS: Could you please state and
3 spell your name for the record.

4 (Not recorded.)

5 (Witness sworn.)

6 (Not recorded.)

7 JUDGE VOSS: Are you currently a customer
8 of Empire?

9 (Not recorded.)

10 JUDGE VOSS: Do you have any statements or
11 comments you'd like to make this evening?

12 (Not recorded.)

13 JUDGE VOSS: Please proceed.

14 (Not recorded.)

15 JUDGE VOSS: Commissioner Clayton, you had
16 some questions?

17 COMMISSIONER CLAYTON: I do. Thank you for
18 being here, Ms. Breedlov. I have several questions for
19 you if that's okay.

20 Ms. Breedlov, there have been several rate
21 increases that have gone through associated with Empire in
22 the last several years. You suggested that no more rate
23 increases would be appropriate. Can you tell me if the
24 rate increases that have passed in recent years have
25 caused any hardship or caused any problems in your

1 household?

2 (Not recorded.)

3 COMMISSIONER CLAYTON: You said that you're
4 on level pay or the budget plan. Can you tell me if
5 you've noticed, have you had -- have you noticed the
6 increases that have gone in? I think one went in in 2005,
7 one went in 2006. Have they caused hardship in your
8 household?

9 (Not recorded.)

10 COMMISSIONER CLAYTON: It did. Why -- go
11 ahead.

12 (Not recorded.)

13 COMMISSIONER CLAYTON: Okay.

14 (Not recorded.)

15 COMMISSIONER CLAYTON: Okay. Can you
16 tell --

17 (Not recorded.)

18 COMMISSIONER CLAYTON: Yes, ma'am, I didn't
19 mean to interrupt you. There's a delay in the system, and
20 I apologize for that. It's my fault.

21 Can you tell me, are you happy or satisfied
22 with the quality of service that you receive from Empire?
23 Do the lights stay on? Do they not? Are you happy or
24 unhappy with billing or customer service? Can you give me
25 some feedback on whether you're happy or not with the

1 service you receive?

2 (Not recorded.)

3 COMMISSIONER CLAYTON: Do you know how long
4 your house was without power? I know you weren't there,
5 but do you know how many days it was without power from
6 the December storm?

7 (Not recorded.)

8 COMMISSIONER CLAYTON: Were you without
9 power during the ice storm of January 2007?

10 (Not recorded.)

11 COMMISSIONER CLAYTON: I understand. There
12 was an ice storm that affected Empire's service territory
13 from January of 2007. Were you affected by that storm?

14 (Not recorded.)

15 COMMISSIONER CLAYTON: Okay. Okay. Do you
16 feel like you've been treated fairly or politely when
17 dealing with Empire through their customer service system?

18 (Not recorded.)

19 COMMISSIONER CLAYTON: I don't think I have
20 any other questions. I appreciate you coming out tonight.

21 JUDGE VOSS: Commissioner Jarrett?

22 COMMISSIONER JARRETT: Mrs. Breedlov, this
23 is Commissioner Jarrett. I just have a couple questions
24 on this high priority issue. Can you tell me what your
25 understanding was prior to this, what high priority meant?

1 (Not recorded.)

2 COMMISSIONER JARRETT: Now, had you -- when
3 did you first -- did you contact Empire about getting on
4 the high priority list?

5 (Not recorded.)

6 COMMISSIONER JARRETT: And what did they
7 tell you then?

8 (Not recorded.)

9 COMMISSIONER JARRETT: Okay. Did they tell
10 you that you were on a high priority list?

11 (Not recorded.)

12 COMMISSIONER JARRETT: And then you said
13 tonight somebody told you something different. Who told
14 you that?

15 (Not recorded.)

16 COMMISSIONER JARRETT: Okay. Is that
17 somebody that's employed by Empire?

18 (Not recorded.)

19 COMMISSIONER JARRETT: Okay. And what did
20 she tell you?

21 (Not recorded.)

22 COMMISSIONER JARRETT: But she said
23 something to the effect that a medical condition doesn't
24 qualify you for high priority?

25 (Not recorded.)

1 COMMISSIONER JARRETT: Okay. But no one
2 from Empire's told you that?

3 (Not recorded.)

4 COMMISSIONER JARRETT: Okay. Well, thank
5 you, Mrs. Breedlov. I appreciate your testimony. Thank
6 you for coming tonight.

7 JUDGE VOSS: Mrs. Breedlov, this is Judge
8 Voss. I would ask you to talk to someone from the company
9 there, if there's someone else from the company that can
10 address this with you tonight and maybe get some closure
11 on this issue, find out why someone at one point told you
12 you were high priority and find out what the details are
13 from someone that is actually a representative of Empire.
14 Does that sound okay to you, I mean, just to get this one
15 issue resolved?

16 (Not recorded.)

17 JUDGE VOSS: Are there any additional
18 questions? Do the attorneys have any questions for this
19 witness?

20 (Not recorded.)

21 JUDGE VOSS: Thank you, Ms. Breedlov. We
22 appreciate your testimony, your time tonight very much.

23 Gregg, we're going to go ahead and call
24 the next witness. There may be a problem with the
25 recording feed from your location. Daniel's looking into

1 it. We may have to take a brief break in a few minutes to
2 move to room 310 so that we can record the testimony
3 tonight.

4 I couldn't hear you, ma'am. I'm sorry.

5 (Not recorded.)

6 COMMISSIONER CLAYTON: We can hear.

7 JUDGE VOSS: Yeah, we can hear. Good
8 evening.

9 (Witness sworn.)

10 (Not recorded.)

11 JUDGE VOSS: Could you please spell your
12 name for the record?

13 (Not recorded.)

14 JUDGE VOSS: And are you currently a
15 customer of Empire Electric Company?

16 (Not recorded.)

17 JUDGE VOSS: Do you have a statement or
18 comment you'd like to make this evening?

19 (Not recorded.)

20 JUDGE VOSS: Commissioner Clayton, do you
21 have any questions for the witness?

22 COMMISSIONER CLAYTON: Thank you very much
23 for that compliment, sir.

24 (Not recorded.)

25 COMMISSIONER CLAYTON: Oh, Okay.

1 Mr. Creech, thank you very much for coming tonight. My
2 name is Robert Clayton. I'm one of the five
3 Commissioners. I wanted to talk to you about these
4 outages that you face. I want to start with the January
5 of 2007 outage, and I wanted to make sure I get it written
6 down accurately. You said you were without power for
7 seven days and you didn't see an Empire truck for six
8 days; is that correct?

9 (Not recorded.)

10 COMMISSIONER CLAYTON: There was no
11 adjustment for about a quarter of the month where you
12 weren't receiving any service?

13 (Not recorded.)

14 COMMISSIONER CLAYTON: I see. So there's
15 an adjustment section that tells you whether you're ahead
16 or you're behind in your level pay?

17 (Not recorded.)

18 COMMISSIONER CLAYTON: What do you think an
19 appropriate adjustment should be in a circumstance like
20 that?

21 (Not recorded.)

22 COMMISSIONER CLAYTON: Okay. Can you tell
23 me, did you remain in the house during those seven days in
24 January or did you seek shelter elsewhere?

25 (Not recorded.)

1 COMMISSIONER CLAYTON: Okay.

2 (Not recorded.)

3 MR. CREECH: ...in a situation where we can
4 leave the premises. I'm kind of an old timer. You know,
5 I've got a good survival kit. We managed the first time
6 around on candles and some kerosene lanterns. Second time
7 around I bought a generator. Spent about 600 bucks on it,
8 and I was able to wire the wells in where I could water
9 the livestock, you know.

10 We managed to survive it, but, you know, we
11 put together a pretty good means of doing that. A lot of
12 people can't do that. A lot of people on -- I'm sorry. A
13 lot of people on fixed incomes didn't have \$600 available
14 to buy a generator.

15 COMMISSIONER CLAYTON: I understand. How
16 about getting information from the company during both
17 storms?

18 MR. CREECH: Not available.

19 COMMISSIONER CLAYTON: Since you had a
20 generator, were you able to look at a website, make a
21 phone call? Were you getting information to know what was
22 going on?

23 MR. CREECH: Excuse me, sir. It's a little
24 hard to look at a website when you don't have any power.

25 COMMISSIONER CLAYTON: I understand. You

1 said you had a generator. That's why I was asking.

2 MR. CREECH: Well, once again, I'm kind of
3 an old timer. I don't have a home computer. I've got too
4 many books to read and too much work to do. But if you
5 called Empire District, you got -- if you could get
6 through, and I qualify that very largely, if you could get
7 through you got a stock answer, we're working on it.

8 And I realize that they were working on it,
9 but the -- they should have been able to convey more
10 information on it, you know, we're attacking the
11 transformers, we've got power lines, main figure lines
12 down. They should have been able to convey some kind of
13 information to you. You got a stock answer, we're working
14 on it, and that, sir, is if you could get through.

15 COMMISSIONER CLAYTON: Okay. So can I take
16 that as a not satisfied answer in terms of the
17 communication you received from Empire?

18 MR. CREECH: Communication I would say
19 would be dissatisfied. If you can't get through it
20 becomes a dissatisfactory situation.

21 COMMISSIONER CLAYTON: Can you tell me, you
22 obviously live out in kind of a rural area if you've got
23 livestock. Can you talk to me about the nature of the
24 trees and the lines that are in your area? Do you think
25 the trees are being trimmed enough? What are you seeing

1 out there around the power lines?

2 MR. CREECH: Well, the lines, if you go
3 down through the lines, you could pick out from residence
4 to residence in every mile section there needed to be a
5 lot of tree work done. A lot of these lines -- trees were
6 hanging over the lines, and things were budding out early,
7 a lot of weight in there from natural sap. You accompany
8 that with ice put on the things and they were just
9 knocking those lines down left and right. If those trees
10 would have been trimmed back off the power lines, I would
11 say that probably 80 percent of the problem would have
12 gone away.

13 COMMISSIONER CLAYTON: How about in
14 December of 2007, if you lost a bunch of trees in January,
15 did they look the same way in December of 2007 during the
16 second storm?

17 MR. CREECH: They were -- they -- the same
18 problem existed in the following months. It was one
19 situation on Duchane Road between 20th and about 13th
20 Street that there was so much weight of the limbs on the
21 line that the line was almost touching the ground, and
22 when they finally got out there, they had to reenforce the
23 pole to get it up enough to get the line off the ground.
24 If those trees would have been trimmed back properly, that
25 problem would not have happened, and that's just one --

1 COMMISSIONER CLAYTON: How about now, do
2 you think your trees need to be trimmed right now if we
3 were to go down and look at the lines today?

4 MR. CREECH: I think they need to get crews
5 out there and start -- there's a lot of widowmakers. You
6 know what a widowmaker is?

7 COMMISSIONER CLAYTON: Well, I've heard
8 several --

9 MR. CREECH: Okay. A widowmaker is a big
10 limb that's broke and not come down, and there's a lot of
11 those hanging over lines. I just recently had a crew come
12 in and trim widowmakers away from my power lines going
13 from the line into the house. It's to prevent a
14 widowmaker from coming down on it, and I probably got five
15 dumptruck loads of brush in my driveway that's got to be
16 cleared out. If you drive down any Empire line, you'll
17 count hundreds, not tens or twenties but hundreds or
18 thousands of widowmakers that are hanging over right now,
19 all over Joplin, all over this whole district.

20 COMMISSIONER CLAYTON: Really? Very
21 interesting. Mr. Creech, I want to thank you very much
22 for your testimony. This is very helpful. Thank you.

23 MR. CREECH: Thank you, sir. Appreciate
24 your time.

25 JUDGE VOSS: Commissioner Jarrett?

1 COMMISSIONER JARRETT: Yes, sir. I don't
2 have any questions but I appreciate your testimony. It's
3 been very detailed and very helpful. Thank you.

4 MR. CREECH: You're welcome.

5 COMMISSIONER CLAYTON: I'm wondering if
6 maybe we should direct Mr. Creech to some folks at Empire.
7 Maybe they could come out and take a look at his trees.

8 JUDGE VOSS: Mr. Creech, you might speak
9 with the representative from Empire that's there or
10 someone from Staff to make -- to get some follow-up on
11 some of those areas you were discussing where there's
12 problems.

13 MR. CREECH: Well, it won't be necessary
14 for Empire District to come to my house because I just
15 spent \$1,000 trimming them with another crew. If I waited
16 for Empire to trim them, I'd still be waiting, honey.

17 MR. MILLS: I'm not sure that you swore
18 Mr. Creech at the beginning. You might want to do that
19 now.

20 MR. CREECH: I think they were going to
21 swear at me anyway.

22 JUDGE VOSS: I swore him.

23 MR. CREECH: Okay. I do.

24 JUDGE VOSS: Are there any attorneys that
25 would like to ask any questions of this witness?

1 MR. OCHOA: No, your Honor.

2 JUDGE VOSS: Hearing none, Mr. Creech,
3 thank you again for your testimony.

4 MR. CREECH: Okay. Thank you, ma'am.

5 JUDGE VOSS: Could you call the next
6 witness, please?

7 MR. OCHOA: Larry Buehler.

8 MR. BUEHLER: Hello.

9 JUDGE VOSS: Good evening.

10 (Witness sworn.)

11 JUDGE VOSS: Could you please spell your
12 name for the record.

13 MR. BUEHLER: Larry Buehler, B-u-e-h-l-e-r,
14 Larry, L-a-r -- okay.

15 JUDGE VOSS: Sorry.

16 MR. BUEHLER: Go ahead.

17 JUDGE VOSS: Are you currently a customer
18 of Empire?

19 MR. BUEHLER: Yes, two times. Was --

20 JUDGE VOSS: Do you have a statement or
21 comments you'd like to make this evening?

22 MR. BUEHLER: Yes. I had a business and,
23 you know, I don't have the business anymore because of --
24 I think the electric bill was the highest thing that I had
25 to deal with, having a convenience store, and I was there

1 been real good for Empire, and they've always been real
2 good people, but I think they're changing, you know. When
3 I called about my trees, they were real rude and
4 irritable.

5 COMMISSIONER JARRETT: Okay. So the
6 service at that point got a little worse?

7 MR. BUEHLER: Yes. They're changing, and
8 you know, their kids and their grandkids is going to have
9 to suffer some of this, and they're going to have to start
10 looking at -- there's no tomorrow, that's the way
11 everybody's acting now, there's no tomorrow, I'm going to
12 get you, I'm going to rate increase you, and everybody's
13 doing that now. It's got to come to a halt somewhere, you
14 know. They've got to start -- you know, when I hired
15 people, if my electric bill went up, I had to lay people
16 off, you know, but they're not laying people off. They're
17 just raising your rates. But anyway, that's it.

18 COMMISSIONER JARRETT: Well, thank you,
19 sir. I don't have any more questions. Thank you for your
20 testimony. It's been very helpful.

21 COMMISSIONER CLAYTON: Mr. Buehler, my name
22 is Robert Clayton. I had a few follow-up questions. I
23 wanted to talk to you about how Empire supposedly cut the
24 trees in front of your house. You said they cut down one
25 side of the trees; is that correct?

1 MR. BUEHLER: Yeah, they -- yeah, they went
2 almost up to my front door. They just sliced everything
3 off all my trees, just sliced one whole half off.

4 COMMISSIONER CLAYTON: Did they talk to
5 you about -- did they talk to you about what they were
6 going to do before they did it?

7 MR. BUEHLER: No. They just come in and do
8 it. They didn't ask me whether they could do it or not.
9 If they would have asked --

10 COMMISSIONER CLAYTON: Does it appear --
11 does it appear that there would be a way of trimming the
12 trees to protect the lines without appearing to shave off
13 an entire side of a tree, or does that appear to be the
14 only option Empire has?

15 MR. BUEHLER: Well, one tree they went way
16 up, it must have been 45 feet away from the center of the
17 road, you know. And it was a hickory. I think it was a
18 hickory tree. And it finally got in my house. It didn't
19 get it much, but it got a part of it. The limbs came
20 down, you know, the last ice storm.

21 COMMISSIONER CLAYTON: How many days were
22 you without power in the last ice storm?

23 MR. BUEHLER: Three days, and that's the
24 reason.

25 COMMISSIONER CLAYTON: How about in January

1 of 2007?

2 MR. BUEHLER: Well, no. My business was
3 down for a week, a whole --

4 COMMISSIONER CLAYTON: Seven days in
5 January of last year?

6 MR. BUEHLER: Yes.

7 COMMISSIONER CLAYTON: Okay. I don't think
8 I have any other questions. It's very helpful. Thank
9 you.

10 MS. BUEHLER: Thank you.

11 JUDGE VOSS: Do any of the counsel present
12 have any questions for this witness?

13 JUDGE VOSS: Thank you very much for your
14 testimony. You're excused.

15 MR. BUEHLER: Thank you.

16 MR. OCHOA: The next name on my list looks
17 like Sue Massey, but it's hard to pronounce. It's very
18 small handwriting.

19 (Witness sworn.)

20 JUDGE VOSS: Could you please spell your
21 name for the record.

22 MS. MEANS: Sue, S-u-e, Means, M-e-a-n-s.

23 JUDGE VOSS: And are you currently a
24 customer of the Empire District Electric Company?

25 MS. MEANS: Yes, ma'am.

1 JUDGE VOSS: Do you have any comments or a
2 statement you'd like to give this evening?

3 MS. MEANS: A few. May I proceed?

4 JUDGE VOSS: Please do.

5 MS. MEANS: Thank you. First of all, I
6 would like to thank Empire for in years past providing us
7 with decent and good electrical service. However, I think
8 with all of the utility companies, the cost of groceries
9 going up, the cost of health insurance, something has got
10 to stop somewhere, and Empire, you're first on my list.

11 I'm against the 10 percent increase because
12 I'm not exactly sure it's going to go into the
13 infrastructure that will help us bypass some of the
14 scenarios we had in January of 2007 and December of 2007.
15 In other words, with the trees not being trimmed back in
16 between the two storms, and they could have been. Years
17 ago Empire's own personnel did that and done a wonderful
18 job. Since those jobs are now subcontracted, a lot is to
19 be desired.

20 There is also the possibility of in town
21 burying all of the electrical lines underground into the
22 homes. Therefore, the only overhead lines you should have
23 would be at a minimum. I think the area of St. Louis is
24 now doing that.

25 My employer is in a unique position of

1 being able to raise their prices on our goods by 10
2 percent. Empire is in a unique position by being able to
3 go back to the Commission and ask for a 10 percent
4 increase. In the years past, most times this increase has
5 been granted. My employer's increase would result in loss
6 of business. We will lose our customer base. Empire will
7 not lose one customer.

8 I would like to know from someone in Empire
9 what kind of infra improvements will be done by this
10 increase that will directly help those paying the
11 electrical increases. I would like to know who will get
12 the bulk of energy derived from a new generation of power.
13 How will this make life any better for those who are
14 paying the increases? Exactly how much total dollar
15 revenue amount will be generated from this increase? At
16 the time I wrote this statement, I didn't have the little
17 pink sheet that showed how much, \$30 million.

18 I would like to know why it is when we do
19 without electricity and, quote, we are at that point in
20 time saving electricity, we are not reimbursed for
21 electricity not used.

22 10 percent of a thousand kilowatt hours
23 does not seem much when you look at it, \$9.75. My mother,
24 who is quite elderly, said, well, that's going to raise my
25 rate by \$9.75 a month. No, mother, it is not. Average

1 household will be purchasing more than a thousand
2 kilowatts per month, a business even more.

3 I was without power in January of 2007 for
4 three days. I was without in December of 2007 seven days.
5 During this time, I lost all electricity. We lost all of
6 our food. We kept warm with candles, kerosene lights, any
7 way possible, blankets. Believe it or not, my husband and
8 I actually talked, which might be a good thing. However,
9 it's not the way to live, and I don't care to go back 150
10 years.

11 In order for us as consumers of electrical
12 power from Empire, if this rate is granted, we will have
13 to figure out some other way to cut our costs. We are the
14 only ones who have to eat any pay increases, and we have
15 nowhere to turn to. We don't have a public to go back on.
16 And that's all I have. Thank you.

17 JUDGE VOSS: Okay. Questions from the
18 Commissioners. Commissioner Clayton?

19 COMMISSIONER CLAYTON: Ms. Means, thank
20 very much for coming. I just have a few questions. First
21 of all, you mentioned when you were out of power -- out of
22 power in January and December for seven days each, that
23 was 14 days, was your bill adjusted in any way to reflect
24 your not using any power?

25 MS. MEANS: No, sir, and I am not on level

1 pay. I pay as you go.

2 COMMISSIONER CLAYTON: What do you feel is
3 an appropriate amount that would -- that should be removed
4 from your bill for that time period?

5 MS. MEANS: Well, you know, personally I'd
6 like have the whole year's worth, but that wouldn't be
7 appropriate. I would say probably at least one -- one
8 half of a month. I mean, that's fair. I was without
9 electricity for that period of time.

10 COMMISSIONER CLAYTON: How do the trees
11 look around the lines that serve your home?

12 MS. MEANS: There were trees hanging over
13 the lines, and, of course, everyone knows the average
14 person cannot get up and cut those tree limbs. They're
15 overhanging the lines down. It requires expert people to
16 do that. They were never ever trimmed until December of
17 2007. And by the way, I might add periodically throughout
18 the year our electricity goes off for some unknown reason.

19 COMMISSIONER CLAYTON: Tell me about that.
20 How is the reliability with your electricity? How often
21 does it go out or how much time?

22 MS. MEANS: I would say at least once every
23 three -- three weeks it will go out for two hours, an
24 hour, ten minutes, but it will periodically go off.

25 COMMISSIONER CLAYTON: That happens every

1 three weeks you lose power, and that's not related to any
2 weather patterns, right?

3 MS. MEANS: No, that's not related to any
4 weather pattern. Might be related to squirrels, I've been
5 told, but not to any weather pattern.

6 COMMISSIONER CLAYTON: Have you ever
7 reported any of these complaints to Empire either
8 regarding the trees, the poor reliability of your -- or
9 your suggestion of -- or questionable reliability, have
10 you ever reported that to Empire?

11 MS. MEANS: During the last storm outage, I
12 did express an opinion that I really felt like it was not
13 right for us -- for everyone, not just us, but just not
14 right that Empire was forcing -- basically its consumers
15 were being forced to do without electricity. Of course, I
16 got the response that we're working on it as fast as we
17 can. I understood that.

18 The other power outages, no, I have not
19 really reported it because it's not for that long of a
20 period of time, and by the time I would report it and then
21 get somebody there, who knows, it was probably -- or they
22 probably already had it fixed.

23 COMMISSIONER CLAYTON: Were you satisfied
24 or dissatisfied with the amount of communication you
25 received from Empire during either of the storms?

1 MS. MEANS: The lady I talked to when I was
2 finally able to get through and actually talk to a person
3 was very nice, and we kind of joked around and I kidded
4 her about having a hard job to do and I was freezing to
5 death.

6 COMMISSIONER CLAYTON: Okay. Ms. Means, I
7 don't think I have any other questions. Thank you very
8 much for your testimony.

9 MS. MEANS: You're welcome.

10 JUDGE VOSS: Commissioner Jarrett?

11 COMMISSIONER JARRETT: Thank you,
12 Ms. Means. I think Commissioner Clayton covered my
13 questions. Appreciate your testimony. Very well
14 presented, and thank you for appearing tonight.

15 MS. MEANS: You're welcome.

16 JUDGE VOSS: Do any of the counsel present
17 have any questions for this witness? Hearing none. Thank
18 you again for your testimony, and you're excused.

19 MS. MEANS: Thank you.

20 MR. OCHOA: Next witness is Glenn Rhoads.

21 MR. RHOADS: Hello, your Honor.

22 JUDGE VOSS: Good evening.

23 (Witness sworn.)

24 MR. RHOADS: I'm Glenn Rhoads, G-l-e-n-n,
25 R-h-o-a-d-s.

1 JUDGE VOSS: And are you currently a
2 customer of the Empire District Electric Company?

3 MR. RHOADS: Yes, I am, ma'am.

4 JUDGE VOSS: Do you have a statement or
5 comments you'd like to make this evening?

6 MR. RHOADS: Yes. I came to express my
7 disappointment in Empire over their maintenance program,
8 which they don't have. In 2005 I asked their
9 representative to come out and look at the lateral feeds
10 my neighborhood, which had been damaged during the summer,
11 and asked him if he could at least nail the six-foot
12 crossarms back up. There were three of them that had been
13 torn loose and were tacked back up with molding staples.
14 The lag screws were gone that held them. And he said he
15 would try to get a crew out there and do that for me, and
16 I had him back out in 2006, and of course the storm
17 finally took care of it.

18 And also a little disappointment with the
19 Commission. They mandate last summer that any poles over
20 20 years old be inspected. And of course, I kind of
21 waited for the fall for them -- somebody to show up.
22 The pole in my backyard was set in 1956, and the company
23 did replace a pole in my neighbor's yard last summer that
24 rotted off and a rotted pole in the service during the
25 storm.

1 With the storm happening, they came in and
2 trimmed all the trees back and they put new eight foot
3 crossarms up. My lateral's in a lot better shape than it
4 was. There are lightning arresters on the transformers
5 that are damaged. They don't have a maintenance program,
6 and if they had one, they don't have the personnel to
7 manage one.

8 Also, I might mention that I'm an Empire
9 retiree. I retired in '88, and I'm a mini stockholder, in
10 case any of these people here want to know.

11 JUDGE VOSS: Does that conclude the
12 comments you needed to make this evening?

13 MR. RHOADS: Yes. Thank you, your Honor.

14 COMMISSIONER CLAYTON: Mr. Rhoads, my name
15 is Robert Clayton. I'm a member of the Commission. Can
16 you talk to me a little bit about this infrastructure
17 issue? You suggested there was a need for more
18 inspections in looking over infrastructure. Is the pole
19 that is in your backyard set in 1956, is it -- is that the
20 one that had the crossarm problem?

21 MR. RHOADS: No, sir. That is a dead-end
22 pole. My lateral in my neighborhood is two blocks long.
23 It's fed with a hundred amp fuse up on 26th Street.

24 COMMISSIONER CLAYTON: And is the pole in
25 need of inspection or repair?

1 MR. RHOADS: I don't know, sir. Would you
2 request that I inspect it or --

3 COMMISSIONER CLAYTON: No. I'm -- I didn't
4 know if you saw any particular problems with it. Do you
5 feel it needs to be inspected?

6 MR. RHOADS: No. I mentioned the
7 disappointment in your Commission because of the mandate
8 and no follow-up, you know, to my knowledge anyway. Would
9 have been better had you-all not made this disclaimer if
10 you're not going to -- to make it happen, you know.

11 COMMISSIONER CLAYTON: So you agree with --
12 you agree with the inspections, your concern is that the
13 Commission is not enforcing those inspection standards?

14 MR. RHOADS: I'm sorry. I didn't
15 understand that. I don't hear well.

16 COMMISSIONER CLAYTON: Is your concern over
17 the enforcement of the inspection times?

18 MR. RHOADS: Well, maybe I was a
19 little facetious and shouldn't have been. I just thought
20 maybe you-all shouldn't have made the statement maybe, you
21 know, if nothing was going to happen. And I didn't get to
22 tell the judge that I am opposed to any fuel adjustment.
23 I forgot to do that, and also I'm opposed to this rate
24 increase.

25 COMMISSIONER CLAYTON: Why are you opposed

1 to a fuel adjustment charge?

2 MR. RHOADS: Because the company is on the
3 market side of generation. I mean, they're so much more
4 interested in generation because of the sale than they are
5 in distribution. And that's why the maintenance of their
6 distribution system is so seriously poor.

7 COMMISSIONER CLAYTON: What type of work
8 did you do for Empire before you left?

9 MR. RHOADS: I was a line foreman. I was
10 electrician foreman. I worked in the relay department.

11 COMMISSIONER CLAYTON: Okay. Have you had
12 an opportunity to see the rules that were just recently
13 passed by the Commission relating to tree trimming or
14 infrastructure inspection?

15 MR. RHOADS: Could someone help me?

16 MR. MILLS: Did you read the new rules
17 related to tree trimming and infrastructure?

18 MR. RHOADS: Say it again now.

19 MR. MILLS: Have you seen the Commission's
20 new rules related to the tree trimming?

21 MR. RHOADS: No, not really. No, I
22 haven't, not really. Of course, the contractors during
23 the storm -- and by the way, the first storm I was out six
24 hours. My neighbor across the street from me on another
25 lateral was out five days. The last storm I was out eight

1 days, six hours.

2 And as far as the cost, it didn't cost me
3 anything electrically because if you don't turn on the
4 switch, it doesn't cost you anything. I realize that.
5 But it cost me \$400 for a generator, and it cost me \$232
6 for the gasoline to run the generator for six days. And
7 the lady -- or the gentleman that touched on trimming the
8 sides off of the trees, they absolutely did. They -- the
9 line side of the trees, they just cut back parallel.
10 There won't be a problem for a long time.

11 COMMISSIONER CLAYTON: Do you believe that
12 Missouri needs standards relating to different reliability
13 metrics like SAIDI and SAIFI, CAIDI and CAIFI, are you
14 familiar with those terms?

15 MR. RHOADS: Could you help me? I'm sorry.

16 MR. MILLS: The question was, do you think
17 that Missouri needs reliability standards and a couple of
18 acronyms he mentioned were SAIDI and SAIFI and CAIFI.

19 MR. RHOADS: I don't understand the terms.

20 COMMISSIONER CLAYTON: Okay. That's fine.
21 That's fine. Do you think -- what do you think of
22 Empire's reliability on a day-to-day basis without any bad
23 weather?

24 MR. RHOADS: Empire's personnel without bad
25 weather?

1 COMMISSIONER CLAYTON: What do you think of
2 the reliability of service during times of good weather?

3 MR. RHOADS: Well, yes. There are times --
4 I know the company won't admit this, but there are times
5 that it's difficult, occasionally, for them to -- to have
6 a line crew, and there are times when you can go past
7 their truck port and you will see a line truck not in
8 service because sometimes they might send two line foremen
9 out for a crew because they don't have linemen, and I
10 can't -- I can't understand this, you know.

11 COMMISSIONER CLAYTON: Okay. I don't think
12 I have any other questions. Thank you very much,
13 Mr. Rhoads.

14 MR. RHOADS: Well, thank you, sir.

15 JUDGE VOSS: Commissioner Jarrett?

16 COMMISSIONER JARRETT: Yes. Mr. Rhoads,
17 this is Commissioner Terry Jarrett, and I just had a
18 couple of questions. How long did you work for Empire,
19 sir?

20 MR. RHOADS: 43 years.

21 COMMISSIONER JARRETT: Given that
22 perspective that you worked for them for so long and have
23 been a customer for a long time, do you think their
24 service has deteriorated over the years? I mean, did they
25 used to have good maintenance programs?

1 MR. RHOADS: Do I think their service has
2 deteriorated?

3 COMMISSIONER JARRETT: Yeah.

4 MR. RHOADS: No, no. I really don't.
5 Those men that are out in the field do the very best they
6 can every day, and as far as the service to my house, it's
7 good. I would have to say I have good service other
8 than -- other than the emergencies and there's been -- in
9 the last three years, there's been not more than three or
10 four outages at my house.

11 COMMISSIONER JARRETT: Do you think they
12 have enough employees out working on the lines?

13 MR. RHOADS: I'm sorry. What did he say?

14 MR. MILLS: Do you think they have enough
15 employees out working on the lines?

16 MR. RHOADS: Absolutely not, no.

17 COMMISSIONER JARRETT: Okay. Well, I don't
18 have any more questions, sir. Thank you. Your
19 testimony's been very helpful.

20 MR. RHOADS: Well, thank you, sir.

21 JUDGE VOSS: One moment, please. Do any of
22 the attorneys present have any questions for this witness?

23 MR. MILLS: No.

24 JUDGE VOSS: He's excused. Please call the
25 next witness, Mr. Ochoa.

1 MR. OCHOA: Robert Phillips.

2 JUDGE VOSS: Hey, Gregg, how many people
3 are on the list?

4 MR. OCHOA: 16 after this gentleman.

5 JUDGE VOSS: Thank you.

6 (Witness sworn.)

7 MR. PHILLIPS: My name is Robert J.
8 Phillips, P-h-i-l-l-i-p-s, and I am an Empire customer.

9 JUDGE VOSS: Do you have any comments or
10 statements you'd like to make this evening?

11 MR. PHILLIPS: Yes, I do. First of all --

12 JUDGE VOSS: Please proceed.

13 MR. PHILLIPS: I want to compliment the
14 linemen that got out during adverse conditions. If
15 anybody deserves a 25 to 35 percent raise, they're the
16 ones, not the pencil pushers that didn't even have the
17 foresight to tell the people, yeah, the price of fuel was
18 going up and that Riverton plant's a fiasco, we just want
19 to be able to generate more funds.

20 During this last ice storm, I was only out
21 a day and a half. During the one in January 2007, I was
22 out for maybe three hours, because fortunately my
23 neighborhood comes off a commercial feed, and everybody
24 knows businesses come first along with the medical
25 community. I can appreciate that part of it.

1 My biggest complaint is, is when they came
2 out and trimmed trees, I don't have a single tree in my
3 yard, but those limbs were within four feet laterally from
4 the power lines, and they butchered every tree in my front
5 yard. I think they killed one. I'm going to have to find
6 a way to get it down myself, and they left a mess for me
7 to clean up. They make a mess, they ought to clean it up.

8 The people of southwest Missouri are among
9 the lowest income in the state. My experience, I was
10 convenience store manager myself at one time. A gentleman
11 came in wanting to hang a flier in our store about the
12 excellent careers that were available in the Joplin area
13 and the pay scales. I wouldn't let him put it up. He
14 says, why not? I said, because your top of the line pay
15 is more than the starting pay in most areas in Missouri.
16 And he looked at me kind of funny and I said, that's a
17 fact, Mister.

18 You're talking to people out here that have
19 the responsibility of teaching their kids and they're
20 struggling to pay their electric bill. My wife and I cut
21 our electrical expenses. We cut our temperature in our
22 house to 63 degrees this past winter, and we bake a lot to
23 keep our kitchen and living room warm, but we kept our
24 bills down, too.

25 But I think Empire's coming out and asking

1 too much of the membership and customers where the
2 stockholders are going to have to start bearing some of
3 the weight, and nice big fat increases with the executive
4 department, too. That's all I've got to say.

5 JUDGE VOSS: Commissioner Clayton?

6 COMMISSIONER CLAYTON: Mr. Phillips, I
7 don't have any questions. Thank you very much for coming
8 tonight.

9 JUDGE VOSS: Commissioner Jarrett?

10 COMMISSIONER JARRETT: Mr. Phillips, I
11 don't have any questions either, but thank you for your
12 testimony. It's been very helpful.

13 MR. PHILLIPS: Thank you.

14 MR. OCHOA: Next witnesses is Mr. Gene
15 Seat.

16 MR. SEAT: Good evening, your Honor. My
17 name is Gene Seat, S-e-a-t.

18 (Witness sworn.)

19 MR. SEAT: Yeah, I got a lot to say.

20 JUDGE VOSS: Are you a customer of Empire?

21 MR. SEAT: A what?

22 JUDGE VOSS: A customer of Empire District
23 Electric Company?

24 MR. SEAT: Yes, ma'am. Every time I pick
25 up the paper I see that everybody's wanting a rate

1 increase. Oil's going up. They're making millions and
2 millions of dollar. Empire wants a rate increase. Every
3 time I turn around and read the paper, groceries are going
4 up, everybody's getting money in their pocket.

5 But I'm retired. People out here that's
6 trying to make a living, they can't do it. They can't pay
7 their bills from month to month. I got my little Social
8 Security on the 3rd, I make out my bills, of course I was
9 broke. Every Monday through that month, I'm going in the
10 bank drawing a little bit of savings out. It's going
11 down, down, down.

12 I used to drive a truck for over 20 years
13 out on the road. I retired at 62 before they fined me out
14 there. So I decided, well, I was going to get me a job
15 part-time driving again. So I go get my CDL back. Nobody
16 wants to hire me because they say I'm not employable.

17 I worked with them up there in Chicago for
18 over 20 years. I know how these companies work. They
19 don't want an American person working, but every time I
20 turn around and pick up the paper I'm depressed, because
21 everybody wants them dadgum rate increases. And so I've
22 been telling people, why can't we get a raise on our
23 Social Security? Every time they get an increase, why
24 can't we get an increase on our Social Security? They
25 say, well (inaudible) in Washington, one Vermont, and most

1 of them tell the same thing, it's not their problem.

2 What are these people out here supposed to
3 do? I can't pay -- I can't pay any more out of my pocket,
4 you know, I ain't got it. I got just a little bit of
5 savings left, and I can't get a job. I'm depressed, and
6 it just makes me -- just -- I don't know what to do, and
7 these people out here that are trying to -- trying to live
8 from day to day, month to month, they're getting as
9 depressed as I am when I pick up the paper and see it.

10 I've been down to the Joplin Globe and I've
11 talked to the editor. She's having a hard time, too. So
12 I don't know what is going on, everybody's wanting money,
13 money, money. They're making millions of dollars. Why
14 don't they take that millions of dollars and put it right
15 back into the corporations and plants instead of raising
16 everything? Can you tell me that? That's all I got to
17 say. I don't know how I'm going to be able to make it
18 month to month if it keeps going up. I just don't know.

19 JUDGE VOSS: Commissioner Clayton?

20 COMMISSIONER CLAYTON: Sir, I want to thank
21 you for coming out tonight and sharing with us these
22 important issues. I appreciate you putting this
23 information in the record. I think it's very important,
24 and I'm glad that you came out tonight, but I don't have
25 any questions for you. Thank you.

1 MR. SEAT: You're welcome.

2 JUDGE VOSS: Commissioner Jarrett?

3 COMMISSIONER JARRETT: Yes, sir. Thank
4 you. I echo what Commissioner Clayton said. Appreciate
5 your testimony. It's very helpful, and thank you for
6 coming.

7 MR. SEAT: You're welcome.

8 JUDGE VOSS: Thank you. You're excused.
9 Gregg, can you call the next witness, please?

10 (Witness sworn.)

11 MR. CARDWELL: Dale Cardwell,
12 C-a-r-d-w-e-l-l. I'm an Empire customer. I'm also
13 employed --

14 JUDGE VOSS: I'm sorry. Go ahead.

15 MR. CARDWELL: I'm also employed by a
16 utility company, not Empire. I understand purchased power
17 costs. I understand fluctuating fuel costs. There are
18 circumstances that dictate certain amounts of increases.
19 We have those where I work.

20 One of the things that they hit pretty hard
21 on tonight is Empire's lack of maintenance on their power
22 lines. Where I work we budget every year to -- for line
23 maintenance and tree maintenance to keep these things
24 clear. We're on a three-year turnover. In other words,
25 if your trees get trimmed this year, you can bet your

1 sweet biffy three years from now they're going to get it
2 again. We still have power outages. The ice storm took a
3 toll on everybody.

4 Where I live my power lines did not go down
5 because I had taken the initiative to trim them myself,
6 which I should not be responsible for that, but it was
7 either that or lose my own lines. Other than my trimming,
8 up until after the power outage, the ice storm, January of
9 '07, they had not been down my road, through those
10 secondary, they have not hit those in over eight years. I
11 was personally there the day that they trimmed them last.

12 They sacrificed -- play the odds game on
13 their maintenance in favor of turning a profit, showing a
14 profit, putting in the shareholders' pockets. Their
15 expansions they want ahead of time. They want to nail the
16 consumer for their expansions. They want that paid for
17 ahead of time rather than their shareholders investing.
18 If you go buy stock at Wal-Mart, you take a risk.
19 Right now, as I understand it, the PSC is there to ensure
20 that the shareholders don't lose money from Empire.
21 What's wrong with supply side economics? That's
22 capitalism. You take a risk. You hope to reap reward.
23 If you don't, better luck next year.

24 The problem on the other thing which has
25 already been hit on, hammered pretty hard, lack of these

1 maintenance directives and everything. When I had people
2 working for me, if they don't toe the line, do the job,
3 they don't get a raise. They go out the door, somebody
4 that can't keep up with their, you know, making sure that
5 stuff gets done.

6 You know, a 25 percent increase for the top
7 man and 218 up to 38 percent, I think that's -- this is
8 unacceptable when you're facing a 12 to maybe 15 percent
9 inflation rate this year, and I don't think there's very
10 many people that work in the private sector that are going
11 to come up with much more than a 3 and a half, 4 percent
12 increase in their wages this year, and I don't know
13 whether Social Security, people on fixed incomes will come
14 up with that. So it's unacceptable.

15 I don't think that one penny because of
16 their lack of maintenance, their lack of foresight causing
17 them to affect their bottom line, they should not be able
18 to recover one penny for the power outages. Let the
19 shareholders pay for that. In the future, maybe they will
20 hire better people to manage their money and their assets.
21 That's all I have.

22 JUDGE VOSS: Commissioner Clayton?

23 COMMISSIONER CLAYTON: Mr. Cardwell, thank
24 you very much for coming out tonight, using very strong
25 language. I wanted to ask you, you said you worked for a

1 utility, and it sound likes it's an electric utility. Is
2 that a coop, without using names?

3 MR. CARDWELL: No. It's a municipal
4 utility, sir.

5 COMMISSIONER CLAYTON: A municipal utility.
6 Thank you. And what type of position do you hold with
7 that utility?

8 MR. CARDWELL: This would be a dead
9 giveaway where I do work, but I work in the power plant.
10 I'm head mechanic there.

11 COMMISSIONER CLAYTON: Okay. I apologize
12 if you don't want to say. Of course, now it's probably
13 too late. I wanted to ask you, in your opinion, if
14 improved maintenance or improved infrastructure inspection
15 or replacement would have occurred, if you think that
16 would have reduced the severity of the ice outages in
17 January and December of 2007?

18 MR. CARDWELL: That would have, you know,
19 if they had their maintenance program going and they kept
20 these trees trimmed, yes, it would have reduced it in
21 January of -- of '07. The problem that they had after
22 January of '07, a tree that is weakened by ice takes
23 anywhere from six to seven years to keel over. That tree
24 is weak. The next time it gets hit by ice again, it's
25 just like having a sprained knee or stretched muscle. It

1 will heal again. The only thing, it heals worse the
2 second time than it did the first. So we got hammered
3 double hard.

4 COMMISSIONER CLAYTON: Do you think if we
5 would have stronger standards on tree trimming and
6 maintenance programs, that the outages wouldn't have been
7 as bad? Would you agree with that statement?

8 MR. CARDWELL: Very much so.

9 COMMISSIONER CLAYTON: Okay. You made a
10 statement that you said the PSC is protecting utilities,
11 and I was wondering --

12 MR. CARDWELL: No, sir.

13 COMMISSIONER CLAYTON: -- if you could tell
14 me what you meant by that.

15 MR. CARDWELL: I was under the impression
16 that the -- and according to this thing here, the little
17 pink sheet that we had, that the PSC was trying to make
18 sure that there was a good balance between Empire and the
19 PSC Commission making -- getting a return on their
20 investment, which shareholders and investors, you know, in
21 the private sector are not guaranteed anything. People
22 that held shares in Enron lost their tail. There's
23 several people that have lost their tails by being
24 shareholders. That's a risk you take. Empire is a
25 monopoly. It's a protected monopoly, but that's all

1 right, as long as it's regulated.

2 COMMISSIONER CLAYTON: Tell it like it is,
3 brother, tell it like it is. I don't think I have any
4 other questions for you, Mr. Cardwell. Thank you.

5 JUDGE VOSS: Commissioner Jarrett?

6 COMMISSIONER JARRETT: Yes. Mr. Cardwell,
7 this is Commissioner Jarrett. Thank you for your
8 testimony. I just had a question regarding the
9 maintenance. How long have you been a customer of Empire?

10 MR. CARDWELL: Pardon, sir?

11 COMMISSIONER JARRETT: How long have you
12 been a customer of Empire?

13 MR. CARDWELL: Going on about 40 years.

14 COMMISSIONER JARRETT: Do you think -- did
15 they used to have a good maintenance program and it's
16 deteriorated or have they always had a maintenance
17 problem? Can you kind of talk about that a little
18 bit?

19 MR. CARDWELL: I think they used to have
20 their own line crews and everything that took care of
21 their -- and I think, of course, they yielded to contract
22 labor now. They contract out. I think the man of the
23 hour right now is Wright's Tree Service out of Iowa. But
24 they only do that as a necessity when they have to have
25 it.

1 You know, I'm in good shape around the
2 house now. You know, part of it I did when Wright's were
3 out there before and the Empire representative. I'm kind
4 of like an old snapping turtle. I don't turn loose until
5 it thunders. Once I got them out there, I made sure that
6 they did it to what I wanted, not necessarily to what they
7 thought they could get away with.

8 So -- but I've been pretty harsh on them
9 whenever they've been out trimming. I like the trees cut
10 back. I don't want to -- I caught them one time, I said,
11 what are you trying to do, trying to make this an annual
12 thing? I said, let's get them cut back to where they
13 don't hurt for two, three or four years.

14 So I got one tree that had started giving
15 me problems and I got tired of it. I just took it out,
16 and it was a 36-inch oak tree, you know. So I tried to
17 take -- I value my electricity more then I value my trees.

18 In January of '07 we was out for six days,
19 which by the way February -- after being out in January,
20 February I got the highest electric bill that I'd ever had
21 in my life there at the same house. It was over \$400,
22 and, you know, well, that doesn't figure. We're not on
23 the level payment plan. We pay for what we use. And, you
24 know, when they soaked me for that extra money, they were
25 recovering the cost of the power outage anyway. They got

1 to use my money for an extra 30, 45 days anyway. That was
2 unacceptable. So -- and if you don't pay it, they cut you
3 off, so I mean, that's -- but anyway, that's all.

4 COMMISSIONER JARRETT: Well, thank you,
5 sir. I appreciate your testimony. It's been very
6 helpful.

7 JUDGE VOSS: Do any of the attorneys
8 present have any questions for this witness? Thank you
9 very much. You're excused.

10 (Witness sworn.)

11 JUDGE VOSS: Could you please spell your
12 name.

13 MR. MILLNER: Go ahead.

14 JUDGE VOSS: Could you please spell your
15 name for the record.

16 MR. MILLNER: I'm Gilbert Millner,
17 G-i-l-b-e-r-t, M-i-l-l-n-e-r, and I've been a customer of
18 Empire District for 57 years. Like the rest of these good
19 people, yes, sir, who have already spoken, I'm opposed to
20 the increase.

21 Also, I was very impressed by the retired
22 lineman and foreman's testimony. He was -- worked for
23 Empire 43 years, and he made a lot of sense on the things
24 he told us, and he said that they needed more linemen out
25 there. I really believe that. And in conjunction with

1 that, I might say that whenever we receive a bill from
2 Empire, they usually ask us for a donation for the
3 unfortunate people who cannot afford to pay their bill.
4 Well, I've got a suggestion that they might -- I suggest
5 that these CEOs and the vice presidents volunteer half of
6 their obscene wages to that fund and help those
7 (inaudible) people pay their bills.

8 Whenever Empire wants another raise, which
9 has been coming pretty regularly, they always have a big
10 writeup in the paper about how many more customers they're
11 going to have to service, going online and all that kind
12 of old applesauce. Well, doesn't make very good reasoning
13 to me. They never allude to the fact that all those new
14 customers will be paying bills just like the rest of us
15 paying bills. Just turn that over and ask them if -- say
16 half of us were able by some miracle to disconnect and not
17 pay our bills every month to them. Would that make the
18 bottom line be better for them? You make more money by
19 having more customers or by having less customers? That's
20 my point.

21 Well, I had a lot to say when I got up
22 here, but sometimes a lot of it kind of leaves me. I
23 guess that's about all I've got to say. I'll take any
24 questions, try to answer them.

25 JUDGE VOSS: Commissioner Clayton?

1 COMMISSIONER CLAYTON: Sir, I think you
2 said plenty and it's in the record. We appreciate your
3 comments. I have no questions for you. Thank you.

4 JUDGE VOSS: Commissioner Jarrett?

5 COMMISSIONER JARRETT: Mr. Millner, this is
6 Commissioner Jarrett. Yes, I don't have any questions
7 either. I thank you for your testimony.

8 JUDGE VOSS: Do any of the counsel present
9 have any questions for this witness? Thank you again for
10 your testimony. You're excused.

11 MR. MILLNER: Thank you, your Honor.

12 MR. OCHOA: Next witness is Logan Beckett.

13 MR. BECKETT: My name is Logan Beckett,
14 L-o-g-a-n, B-e-c-k-e-t-t.

15 (Witness sworn.)

16 JUDGE VOSS: Thank you. Are you currently
17 a customer of Empire?

18 MR. BECKETT: Yes, ma'am.

19 JUDGE VOSS: Please proceed with your
20 testimony.

21 MR. BECKETT: Okay. Judge, I would just
22 like to say that there's a couple of things I'm concerned
23 about that -- a posting today on our noon news broadcast
24 about the CEO and the two following assistants of his
25 receiving anywhere from a 15 to over a 25 percent increase

1 on their already over a quarter of a million dollar yearly
2 wage. That really concerns me, because my wife last year
3 received a great whopping 4 percent increase in her yearly
4 rate increase, and coming to find out tonight that we've
5 had two already rate increases, I guess, over the last
6 three to four years.

7 And I'm really concerned about upgrade.
8 They're talking about upgrading their coal burning plant
9 out in Asbury, and one of the officials from Empire stated
10 that they are currently buying wind power out of Kansas.
11 And one concern I would like to see addressed is us
12 looking into alternate energy here in our area, which is
13 still free. And I am just really concerned about the rate
14 of increase for the executives at Empire.

15 JUDGE VOSS: Is that all the comments you
16 had this evening?

17 MR. BECKETT: Pardon me?

18 JUDGE VOSS: Does that conclude your
19 comments?

20 MR. BECKETT: Yes.

21 JUDGE VOSS: Thank you. Commissioner
22 Clayton?

23 COMMISSIONER CLAYTON: Mr. Beckett, I don't
24 think I have any questions for you. Thank you very much
25 for coming.

1 JUDGE VOSS: Commissioner Jarrett?

2 COMMISSIONER JARRETT: Yes. Mr. Beckett, I
3 had a question. You said that your wife got a 4 percent
4 increase. Does she work for Empire?

5 MR. BECKETT: No, sir, she does not.

6 COMMISSIONER JARRETT: Okay. I just wanted
7 to clarify that. Thank you. I have no further questions.
8 Thank you for your testimony.

9 JUDGE VOSS: Do any of the counsel present
10 have any questions for this witness?

11 MR. MILLS: No.

12 JUDGE VOSS: Thank you very much for your
13 testimony. You're excused.

14 MR. OCHOA: Next witness is John Parsons.
15 Phil Vogel.

16 MR. VOGEL: My name is Phil Vogel,
17 V-o-g-e-l.

18 (Witness sworn.)

19 JUDGE VOSS: Thank you. Are you a customer
20 of Empire?

21 MR. VOGEL: Yes.

22 JUDGE VOSS: Please proceed.

23 MR. VOGEL: Since 1991. I also had the
24 privilege of being Empire's neighbor beginning in 1998,
25 there next to the corporate office. I want everyone to

1 take a look the next time they go to the grocery store at
2 the little lady or the mom that has a lot of kids, and I
3 want you to take a look at their faces. Right now is no
4 time for a company like this to be trying to raise their
5 rates, because you're going to see faces of grief, faces
6 of despair. And until we have any changes, major changes
7 in our economy, this area doesn't need any increases in
8 anything.

9 I've wrestled with Empire District off and
10 on since 1998 when I built a restaurant right next to
11 their corporate offices. I -- I put in a request four
12 times to have a pole light repaired in front of my
13 restaurant, and the pole is still there without a light.
14 I put in a formal request.

15 I have one house at 3150 McClellan, or 5130
16 McClellan that was bumped by a tractor and the telephone
17 pole -- or the electric pole fell over, and someone from
18 -- actually three big trucks from Empire came out and tied
19 a rope to the telephone pole that had broken, which was
20 probably put in in the '60s or '70s. I say telephone
21 pole. I mean electric pole. And the rope is still there,
22 and guess what the rope is tied to. It's tied to a rock.

23 So my question is, is this increase going
24 to prevent these types of things from happening, like --
25 I've since closed my restaurant because I lost my

1 appetite, every time I would pull up to the restaurant and
2 look at Empire District.

3 The pole in front of the restaurant still
4 has no light. The pole at 5130 McClellan is still on a
5 rope tied to a rock. Now, I could give you so many more
6 stories that pertain just to me, but let's get back to the
7 people that are in the grocery stores right now, and \$10
8 will buy them four pounds of hamburger, those people I'm
9 talking about, \$10. And if you look at those carts that
10 are coming through those grocery stores, that's about all
11 you see in them is four pounds of hamburger. Thank you.

12 JUDGE VOSS: Excuse me. Commissioner
13 Clayton?

14 COMMISSIONER CLAYTON: No questions, Judge.

15 JUDGE VOSS: Commissioner Jarrett?

16 COMMISSIONER JARRETT: I don't have any
17 questions either. Thank you, sir, for your testimony.
18 Appreciate it.

19 MR. VOGEL: You're welcome.

20 JUDGE VOSS: You're excused.

21 MR. OCHOA: Next witness is Phillip Newman.

22 JUDGE VOSS: Good evening.

23 (Witness sworn.)

24 MR. NEWMAN: My name is Phillip Newman,
25 N-e-w-m-a-n.

1 JUDGE VOSS: Are you currently a customer
2 of Empire?

3 MR. NEWMAN: Yes.

4 JUDGE VOSS: Please proceed.

5 MR. NEWMAN: Empire doesn't keep up its
6 lines good enough. You can drive down almost any street
7 and see that their lines aren't kept up the way they
8 should be. And they hire these contractors, and they come
9 to my house about every couple of years and they cut big
10 chunks out of the trees. It's the regular -- the other
11 chunk just fall over and hit the lines in storms like
12 this.

13 And I've asked them to go ahead and cut it
14 down, and they wouldn't cut the -- cut it even. They
15 wouldn't do that. I told them, just cut it and throw it
16 in my yard. I'll even give you some money. I'll get rid
17 of it myself and they wouldn't do that.

18 And as for the -- them raising their prices
19 when they -- for the fuel and stuff, that's just a way of
20 saying we'll take a raise any time we want to, more or
21 less, and that may be the end of your job, too. That's
22 all. Thank you.

23 COMMISSIONER CLAYTON: No questions, Judge.
24 Thank you very much for coming.

25 JUDGE VOSS: Commissioner Jarrett?

1 COMMISSIONER JARRETT: No questions either.

2 Thank you, sir. Appreciate your testimony.

3 JUDGE VOSS: Thank you. You're excused.

4 MR. OCHOA: Next witness is Ben Schultz.

5 MR. SCHULTZ: My name is Ben Schultz,

6 B-e-n, S-c-h-u-l-t-z, and I am an Empire customer.

7 (Witness sworn.)

8 JUDGE VOSS: Thank you. Please proceed.

9 MR. SCHULTZ: Well, I have just a couple of
10 items that I'd like to bring to the council's attention.

11 One of them was, of course, we beat this tree trimming
12 thing to death almost this evening, but as I was talking
13 to the gentlemen that were trimming trees in my area, all
14 three of them -- all three of them were Spanish speaking
15 people that did not speak English. So it was rather
16 difficult for me to determine what they were doing there
17 and how long they were going to be and so forth.

18 I was without power for ten days during the
19 last ice storm, and finally on about the eighth or ninth
20 day Empire showed up with a couple of trucks, and when I
21 attempted to talk to the supervisor and the linemen that
22 were there and asking them how much longer they thought we
23 were going to be without power, and they said, well, most
24 of the problem was in the jungle.

25 And the jungle was determined to be at

1 about 11th Street and Highview, which when I walked up
2 there to take a look at it, well, it is a jungle. And
3 unfortunately the electrical lines run through that
4 jungle, which didn't look like it had been trimmed in the
5 last 20 years. So that was another day and a half before
6 they finally got power over to me, but my wife and I were
7 at home during the entire time.

8 The other thing that I have a couple of
9 questions on, and even today, I notice that in my
10 neighborhood there's two trucks. Both of them say Parr on
11 the side of them, and they have a Kansas City, Missouri
12 address, and they're replacing power poles that have been
13 laying there for about the last four to six weeks. And
14 I'm assuming that Empire is probably paying these
15 contractors that are from out of town room and board and
16 putting them up on motels and meals and paying their
17 expenses, and I'm wondering, since this is not a critical
18 repair work that they're doing, is why are our own people
19 that are living locally here in Joplin not providing that
20 service?

21 And my other question is, if these -- if
22 the CEO and his executives are earning that much money, it
23 would seem to me like they ought to be able to plan ahead
24 just a little bit so that they have some kind of a -- an
25 emergency fund in the event that we have another ice storm

1 next winter so that they're not asking for another rate
2 increase, but maybe they could plan ahead, because we all
3 know we're going to have another emergency sometime. It's
4 just a matter of when it's going to occur.

5 And as I drive around the city, like most
6 of the other folks now, I pay particular attention to
7 electrical lines and trees, and it seems to me like the
8 only people that are paying attention to them are the
9 consumers that were without power.

10 So other than that, my dissatisfaction with
11 Empire over the last three or four years is because of
12 intermittent power failures that have occurred off and on.
13 At least once a month every electric clock in my house has
14 to be reset for whatever occasion, and sometimes the power
15 outage is five minutes and sometimes it's an hour, but
16 it's inconsistent. And when I've talked to the people,
17 they say, well, you know, that's trees on those lines. Of
18 course, maybe it's trees or maybe it's squirrels, as
19 somebody mentioned before, but the fact remains that the
20 power outages are still there. And thank you for your
21 time.

22 COMMISSIONER CLAYTON: Sir, thank you very
23 much for your testimony. I want to be clear as I take
24 notes from your comments. It sounds like you're pretty
25 dissatisfied with the service you're receiving at Empire?

1 MR. SCHULTZ: No, I'm not entirely
2 satisfied with the service I'm receiving.

3 COMMISSIONER CLAYTON: I said dissatisfied.
4 You're not satisfied with that service?

5 MR. SCHULTZ: No, not with intermittent
6 power outages that we experience every month.

7 COMMISSIONER CLAYTON: How long did those
8 power outages last?

9 MR. SCHULTZ: Well, since I'm not home
10 during the day and neither is my wife, I know that we've
11 had a power outage because I come in and every clock is
12 flashing at me.

13 COMMISSIONER CLAYTON: You have noticed
14 that there are problems in tree trimming in front of your
15 house? I believe you said that.

16 MR. SCHULTZ: Yes, there is.

17 COMMISSIONER CLAYTON: And what about the
18 jungle? You said the jungle at 11th Street and Highview?

19 MR. SCHULTZ: 11th and Highview is what the
20 linemen referred to as the jungle.

21 COMMISSIONER CLAYTON: Is it still the
22 jungle or have those trees been trimmed?

23 MR. SCHULTZ: Well, that's what I told
24 them, well, if it's a jungle, it's about time somebody
25 flattened the jungle out up there. But I think the jungle

1 still remains.

2 COMMISSIONER CLAYTON: The jungle is still
3 the jungle, huh?

4 MR. SCHULTZ: For the most part.

5 COMMISSIONER CLAYTON: Have you ever called
6 Empire to complain about any of these issues, and if so
7 what response did you get?

8 MR. SCHULTZ: Oh, yeah. Oh, yeah.
9 Somebody always answers the phone and they tell you that,
10 well, we'll look into it, and leave your name and number,
11 that kind of thing, we'll have somebody out there. Of
12 course, nobody ever knocks on my door and says I'm here.

13 COMMISSIONER CLAYTON: I understand. How
14 many days were you without power in January of 2007?

15 MR. SCHULTZ: Yeah. I was without power
16 for ten days.

17 COMMISSIONER CLAYTON: Was that in December
18 or January?

19 MR. SCHULTZ: Well, it would have been the
20 last one, whichever one that was. January I guess.

21 COMMISSIONER CLAYTON: Well, there was one
22 about a year ago and then there was one four months ago.

23 MR. SCHULTZ: Okay. The one four months
24 ago was ten days. The one prior to that was about three.

25 COMMISSIONER CLAYTON: That's great. It's

1 not great. I mean, thank you very much. That's the
2 information I was looking for. This is very helpful.

3 JUDGE VOSS: Commissioner Jarrett?

4 COMMISSIONER JARRETT: Mr. Schultz, I don't
5 have any questions, but I appreciate your testimony.
6 Thanks very much.

7 MR. SCHULTZ: Okay. Thank you.

8 JUDGE VOSS: Gregg, before you call the
9 next witness, I just want to say to counsel present, since
10 it's so difficult with the feedback and the single
11 microphone, if there's any witness that they have
12 questions for, would they pipe up so we can get those
13 questions addressed?

14 MR. MILLS: We'll do that. Thank you.

15 JUDGE VOSS: I knew you would, Lewis.
16 Thank you. Please call the next witness.

17 MR. VOYT: My name is Daniel Voyt, V-o-y-t,
18 and I'm an Empire customer.

19 (Witness sworn.)

20 JUDGE VOSS: Please proceed.

21 MR. VOYT: Okay. I am -- I'm really a
22 cheapskate. I am. But when I look at utility rates, I
23 think that's not so bad. I mean, for three or four bucks
24 a day I'm getting hot water, heating my house, cooling my
25 house, refrigeration, TVs, computers. I mean, it seems

1 like a pretty fair deal to me. And I understand that
2 there are some concerns from a lot of people who don't
3 like those rates.

4 But what I would promote is the rebate
5 programs like Empire already has for the Change a Light
6 Program and for getting people more efficient HVC units,
7 and also commercial rebate programs to cut down on our
8 consumption. I just think that makes a lot of sense, and
9 the more aggressive rebates could completely negate the
10 concerns people are having about these rate increases. I
11 mean, the Change a Light Program where Empire pays two
12 bucks for compact fluorescent lighting, two 60 watt lights
13 replaced in a house that run 24 hours a day, if you
14 replaced them all on average you're running two a day on
15 24 hours, that's 5 -- \$5 a month in savings. That's about
16 half of the rate increase we're looking at here. So
17 making conservation economical for people who can't afford
18 it I think needs to be a part of a rate increase.

19 COMMISSIONER CLAYTON: Mr. Voyt, can I ask
20 some questions about --

21 MR. VOYT: Sure.

22 COMMISSIONER CLAYTON: What programs have
23 you taken advantage of with Empire?

24 MR. VOYT: Well, sir, I actually work for a
25 company that does commercial retrofitting and energy

1 conservation management. And we've been able to -- since
2 Empire started the commercial rebate program, we've
3 actually taken 85 KW off the grid, which is obviously with
4 money -- part of that's with money Empire sends to its
5 customers as part of the rebate program. And that's
6 obviously reducing a demand that utility companies are
7 wanting to increase capacity with.

8 COMMISSIONER CLAYTON: So you -- so
9 actually you're a vendor who sells programs like this, and
10 programs and appliances like this; is that correct?

11 MR. VOYT: Yes, sir.

12 COMMISSIONER CLAYTON: Got you. I don't
13 think I have any questions.

14 JUDGE VOSS: Commissioner Jarrett?

15 COMMISSIONER JARRETT: Yes, sir. Just a
16 couple of quick questions. Do you do any business with
17 other -- in other areas other than Empire's area?

18 MR. VOYT: We do. Mostly -- recently we've
19 been focused on Empire mainly because of the rebate
20 program.

21 COMMISSIONER JARRETT: Right. Do you --
22 compared with other utility companies, do you think Empire
23 is doing as much as or doing more than other utilities?

24 MR. VOYT: Well, most of the utilities
25 around here are either coops or municipalities, and

1 cold gets to me. During the summer I suffer from heat
2 stroke, so I have to have the cooled air conditioning, and
3 every time they go off the service gets worse.

4 The first ice storm I waited seven days, I
5 think. I had physically walked to an Empire truck that
6 was cutting trees down and complained, and it was still
7 six hours before somebody came. I was not told about
8 anything about medical first alert or anything on because
9 I'm medical. I asked about it. They said, we don't have
10 that kind of program.

11 So I quit asking. I can't get any help on
12 keeping my back cleaned up from the brush. Power lines go
13 off on the other side of my house, I don't see how they're
14 going to get to them because there's trash and trees and
15 everything all grewed back up there.

16 My dogs got ill when they got cold. That
17 cost me \$275. I had to buy a generator that run me \$700 I
18 didn't have. I'm on disabled, just a veteran. I live on
19 limited income. Each time they go up, that takes out --
20 away from me and my wife, and I don't know what to do
21 about it. I keep going against a brick wall. No answers
22 on nothing.

23 I'm getting angry and I shouldn't be doing
24 this, so I'm going to try to cut it down as much as I can.
25 I'll answer any questions you have to the best of my

1 ability, and if I think of anything else, I'll say it.

2 JUDGE VOSS: Commissioner Clayton?

3 COMMISSIONER CLAYTON: Sir, I appreciate
4 your testimony. As I understand -- did you say that
5 you're a disabled veteran; is that correct?

6 MR. CHILDERS: Yes.

7 COMMISSIONER CLAYTON: Well, I don't have
8 any questions here for you today, but I appreciate your
9 service. Thank you very much, and thank you for coming
10 tonight.

11 JUDGE VOSS: Commissioner Jarrett?

12 COMMISSIONER JARRETT: Yes. Mr. Childers,
13 I don't have any questions either, but I appreciate your
14 testimony tonight. It's been very helpful.

15 MR. CHILDERS: I think you asked me about
16 the medical first alert or something. I tried to find out
17 about it, but nobody wanted to tell me about it. I
18 finally gave up on it. I couldn't get anybody in Empire
19 to tell me any information.

20 COMMISSIONER CLAYTON: Perhaps some of the
21 Public Service Commission Staff that are in the audience
22 can help you with that when you head to the back of the
23 auditorium.

24 MR. CHILDERS: I have it for my phone, but
25 I didn't know if I could get it for the electric.

1 JUDGE VOSS: Will Staff sort out this issue
2 for Mr. Childers and find out if that program's available?

3 Thank you for your testimony, Mr. Childers.
4 You're excused.

5 MR. GRISSOM: My name is Scott Grissom.
6 (Witness sworn.)

7 JUDGE VOSS: Could you please spell your
8 name for the record?

9 MR. GRISSOM: Scott Grissom, G-r-i-s-s-o-m.

10 JUDGE VOSS: And are you currently a
11 customer of Empire District Electric Company?

12 MR. GRISSOM: I am. I'm a customer through
13 the city of Monnett, which buys their power from Empire
14 Electric, and a year ago was in Purdy, which also
15 purchases electricity from Empire.

16 JUDGE VOSS: Please proceed with your
17 testimony.

18 MR. GRISSOM: First off, I'd like to
19 apologize for my lack of preparedness. In Monnett we
20 really didn't -- or I didn't find out any of this was even
21 occurring until this morning. So I'm not quite sure of
22 some of the issues that are going on here or what the past
23 history is, and I haven't lived in the state for more than
24 about a year and a half, so I'm not completely familiar.

25 First off, I'd like to offer my services to

1 the CEO. I'm a graduate of Tulane University, top 5
2 percent in my law school as well, and I work cheap. So if
3 you need somebody to fill in a position, I'd be glad to
4 take over.

5 In the January '07 ice storm, my brother
6 and I were out of power for 14 days. We were among the
7 hardest hit in the entire area, incurring expenses of
8 roughly a thousand dollars for a generator, for the gas
9 and fuel for space heaters to run on that generator, loss
10 of food from the freezers. And as I've kind of understood
11 it, that when acts of God happen, we don't really ever see
12 that money back.

13 And I had never really thought of that
14 money that we put out at that time, and it seems to me
15 that part of the reason this increase is happening is to
16 take care of some of those things that happened to Empire,
17 and I understand that, but I thought that's just kind of
18 life, and when you have a little economic down turn
19 because of that, that that's just the way it goes.

20 The -- I think the biggest thing right now
21 that we really need to hone in on is the fact that we're
22 having a terrible economy right now, and I don't think
23 that any one of us can afford to have a 10 percent
24 increase, particularly those people that live in the rural
25 areas that don't have the big salaries, 10 percent is a

1 big deal. My bill was -- for utilities this past winter
2 was in the \$400 range. 10 percent on top of that is \$500
3 more a year, and I think that's unacceptable.
4 Particularly right now in our economic situation
5 nationwide, I don't think we can really afford that. And
6 I think that maybe now is the time that we deny one of
7 these increases that it seems for the past many years have
8 not been denied. I think that maybe this is now the time
9 to do that.

10 And unfortunately, we're kind of hemmed
11 into having one service only from Empire. You know, if
12 the price of a Ford Motor product goes up, well, I'll just
13 buy a Chevy, or if my telephone service or cell phone
14 service goes up, I'll switch service providers, after
15 waiting a two-year contract, of course.

16 We are no longer allowed that opportunity
17 here, and I think that one time we should say no, and I
18 think that time should be now. I really have nothing
19 else.

20 COMMISSIONER CLAYTON: Mr. Grissom, I just
21 want to ask you about your -- the outage during the time
22 when you were 14 days without power, you incurred about a
23 thousand dollars in expenses. What amount would be
24 appropriate to make you and your brother whole from being
25 out of power that amount of time?

1 MR. GRISSOM: If you can give me one
2 second, I can answer that question. How about
3 \$34.7 million?

4 COMMISSIONER CLAYTON: I think there are
5 folks here in the audience who can answer that question
6 for you.

7 MR. GRISSOM: I really honestly am not
8 looking to get that money back. I don't want a credit. I
9 understand that life happens, that power lines go down,
10 that, you know, for two weeks our life was upended. We
11 spent 12 hours a day out taking care of animals to make
12 sure that they didn't die and shuffling them in and out of
13 a barn to make sure they have some sense of warmth here
14 and again. Lots of animals in a barn that really couldn't
15 hold them, and that's fine.

16 But I think that to have a 10 percent
17 increase to pay for those past losses is unacceptable,
18 particularly when that's just the cost of living, a cost
19 of doing business, a cost of being any kind of entity or
20 individual, you just -- stuff happens to people all the
21 time, and I think that's just how it is.
22 So that's really the amount, just say no to this increase.

23 COMMISSIONER CLAYTON: Thank you. I don't
24 have any other questions. Thanks.

25 JUDGE VOSS: Commissioner Jarrett?

1 COMMISSIONER JARRETT: Mr. Grissom, thank
2 you. I don't have any questions either. Appreciate your
3 testimony. It's been very helpful.

4 MR. GRISSOM: I do have one more thing to
5 say if I may.

6 COMMISSIONER JARRETT: Okay.

7 MR. GRISSOM: I found out this morning that
8 one of the CEOs got a 38 percent increase, and just for
9 the -- my own future I'd like to maybe have the question
10 answered, how does one have the consternance and audacity
11 to go up to their boss and ask them for a 38 percent
12 increase in pay? That's just really -- I'd like to meet
13 this guy that had that kind ofchutzpah to do that.

14 (Inaudible)

15 MR. GRISSOM: Well, he gave himself a 21
16 percent increase.

17 JUDGE VOSS: Thank you very much.

18 MR. GRISSOM: Thank you very much.

19 MR. OCHOA: Danny Graves.

20 MR. GRAVES: I'll get my glasses back on
21 here so I can see my notes. My name is Danny Graves,
22 G-r-a-v-e-s, and I am an Empire customer.

23 (Witness sworn.)

24 JUDGE VOSS: Please proceed.

25 MR. GRAVES: I'm here this evening

1 obviously because I'm very concerned with what's going on
2 in our country. These big companies like Empire, I guess,
3 want to take care of the stockholders, and the CEOs of
4 these companies just keep wanting more and more and more,
5 and the people of these communities of Joplin, Missouri
6 and around the world and this country cannot afford it.
7 And it's not just Empire. I wanted to make that clear to
8 the Commission. It's the other utilities as well. I
9 don't know how it got by me, but I guess the water company
10 got a 65 percent increase here a while back.

11 I'll get on with some of my notes here. We
12 have all experienced the ice storms. We all have went
13 without power, lost food, couldn't run our businesses.
14 My -- one of my businesses particularly was closed for a
15 week. That's on Main Street in Joplin, Missouri.

16 I don't live in a third world country. I
17 live here in the United States of America. My business is
18 about ten blocks from their corporate office, and I didn't
19 have any power there for a week. We're getting down to
20 about third world country here because they want to take
21 all the money, give themselves big raises and pay their
22 stockholders.

23 I don't know how anybody could even justify
24 raises like that and then to come over here and sit and
25 ask the people, that most of them are not even getting

1 raises -- hell, there's companies all over this country,
2 Missouri, all -- every state around here's laying people
3 off. And they come -- they have the audacity to come down
4 here and sit, after giving theirself raises, and wanting
5 more money. That don't even make any sense.

6 This -- the other guy, I don't know what
7 his name is up there, he wants to know about how's the
8 other deals. These people know what the tree service is
9 here. They've done no maintenance up until the first ice
10 storm. And I -- and I somewhat understand it. We've had
11 a pretty good econo -- I mean we've had a pretty good
12 weather around here for several years, but you still just
13 can't quit doing maintenance when you've got thousands of
14 people's lives in your hands, and that's what they did.
15 And the last ice storm that we had, had it been cold, you
16 should be fired instead of giving yourself a raise because
17 you would have froze a lot of people to death. There
18 ain't enough storages in this town for all those people to
19 go to.

20 You knew, and if you didn't know, then you
21 shouldn't be working for Empire, that those people were
22 not out trimming the trees. And the Commission should
23 know, I guess if that's what your job is, is to know what
24 these people are doing, that they were not trimming the
25 trees.

1 I own several businesses myself here in
2 Joplin, and the -- they just keep raising my rates on
3 them. I'm a small business guy. I -- I can't just go to
4 everybody and keep sucking more money out of them. I have
5 to earn my money, earn every dollar I make. And my
6 utility bills, my electric bills especially, but when you
7 call up and ask them, they say, well, you used this, you
8 didn't use any more than you did last year, but my
9 electric bill was 250, 300 more. Then they pull that
10 \$9.75 stuff on you per household, nine dollars and
11 something per thousand kilowatt hours. Well, what about
12 the businesses? Instead of trying to pull that on people,
13 that's why those people are not here, that's why the food
14 prices are all going up, these grocery stores, the
15 restaurants and everything else, because their utility
16 bills -- I've got three businesses open three days a week,
17 and the electric bills in the summertime is 15, \$1,600,
18 \$2,300, \$2,600 and open three days a week.

19 If we don't -- if American people don't
20 stand up and start talking and coming to things like
21 this -- I'm not usually this vocal, but I've had enough.
22 I have had a gut full of it. And then you start hearing
23 about these people taking these raises like that, is
24 ridiculous, and not only that -- not only did they take
25 the raises, they also gave a bunch of people bonuses last

1 year. But to have the audacity to come over here and ask
2 us for another 10 percent.

3 Now, if the roof goes off my building
4 tomorrow or I need to replace the sewer line, I've got to
5 pay for it. They need to redo their Asbury plant. They
6 want us to pay for it. That's ridiculous. You know what,
7 there needs to -- they need to start being accountable for
8 what they're doing, and I don't mean to be rude to this
9 guy, but -- I don't even know you, but if you people are
10 -- you people come in here and demand those big salaries
11 and you hear these CEOs talking about how they deserve
12 that. They don't deserve to make that kind of money to
13 start with. There ain't nobody deserves to make -- this
14 guy's low paid compared to a lot of CEOs around this
15 country, but enough is enough. And I hope that you
16 Commissioners are listening to that. Enough is enough.
17 If you continue to cater and to give these people raises,
18 is ridiculous. That's really all I have to say tonight.

19 JUDGE VOSS: Commissioner Clayton?

20 COMMISSIONER CLAYTON: Mr. Graves, I want
21 to thank you for your testimony. You said a lot there,
22 and I don't think I have any questions. Thank you very
23 much.

24 MR. GRAVES: Well, I wanted to tell you I
25 appreciate you. I've been hearing about you. Go ahead.

1 COMMISSIONER CLAYTON: I'm not sure what
2 that means, but thanks.

3 MR. GRAVES: I've been hearing you've been
4 doing pretty good job up there, but I think some of them
5 other old boys sitting up there with you is just pandering
6 to these guys running around getting these big raises for
7 these utility companies, and I'm just here to tell you
8 that I'm not going to sit back any more and let it just
9 happen. I plan on coming to a whole lot of these meetings
10 from now on, and if it don't change, by God, I'm going to
11 run for the governor of the state of Missouri.

12 COMMISSIONER CLAYTON: Thanks very much for
13 coming tonight, Mr. Graves. Appreciate it.

14 JUDGE VOSS: Commissioner Jarrett?

15 COMMISSIONER JARRETT: Mr. Graves, I don't
16 have any questions either. You are very articulate, and I
17 appreciate your testimony.

18 MR. GRAVES: All right. Thank you.

19 (Witness sworn.)

20 MR. BOURNE: Make it short and sweet. My
21 name is Richard Bourne, B-o-u-r-n-e. I can't say any
22 more, because I've heard a lot of people and they all are
23 right, and it's time for the Commissioners to take and
24 tell these companies where to go, because we're getting
25 sick and tired every time. Every time I come to these,

1 they always want more and more and more money. I don't
2 get raises. I work for a plant. We haven't had a raise
3 in four years, and these guys want more money.

4 I was out with power for four days. I live
5 in Carl Junction and lost power for four days, the guys
6 from Alabama fixed it. We got electricity. Those guys
7 did a good job. The guys working the lines deserve every
8 penny. That's a very dangerous job. But a CEO, that's a
9 bunch of bull. They don't need to do that kind of money.
10 They should get -- there's too much poverty. People are
11 not getting raises. You look at gas prices, everything's
12 going up and up and up, and I'm getting tired of it.

13 I'm just an average -- I've been here since
14 1958, and I've been doing a lot of years of your meetings,
15 and I have not seen nobody really put their foot down and
16 say enough's enough. Because people are -- people are on
17 fixed income. We're hurting. Look how much the gas is.
18 Over three bucks a gallon. Everything's going up. Food
19 is go -- I got two grandkids. I want to know what's going
20 to happen to them if you guys keep raising the rates. I
21 hate to see what they're going to be doing at my age. I'm
22 55 years old and it's enough. Something's got to be done.
23 It's like Harry S Truman, the buck stops with you guys.
24 This is Missouri. Show me. That's all I got to say.
25 Thank you.

1 COMMISSIONER CLAYTON: No questions.

2 JUDGE VOSS: Would you please spell your
3 name for the record. I didn't get it.

4 MR. BOURNE: What, ma'am?

5 JUDGE VOSS: Could you please spell your
6 name?

7 MR. BOURNE: B-o-u-r-n-e, just like the
8 book and the movie. At least my name ain't Jason. Thank
9 you.

10 JUDGE VOSS: Thank you.

11 MR. GONZALES: I'm Oscar Gonzales,
12 O-s-c-a-r, G-o-n-z-a-l-e-s, and I am an Empire customer.

13 (Witness sworn.)

14 JUDGE VOSS: Please proceed with your
15 testimony.

16 MR. GONZALES: Many of these ladies and
17 gentlemen have already touched on pretty much everything
18 that I have to say here. You know, I was in both the
19 December power outage, I was out of power for eight days.
20 I was also unfortunate to have just stocked my
21 refrigerator. Lost \$250 worth of groceries that I had
22 that I barely had enough money to buy anyway, and then I
23 also had to go through and buy over \$600 worth of
24 generator and fuel, fuel related costs, with all that
25 stuff there. And something like that, you know, really

1 hit my family hard because, you know, I wasn't planning
2 for it.

3 But like another gentleman came up here and
4 said a minute ago, you know, that's an act of God.
5 There's not a whole lot you can do. You've just got to
6 roll with the punches. And again, you know, that falls on
7 the company. If they've got problems going on with their
8 lines, that's their responsibility. They are a privately
9 owned company. Like any other privately owned company,
10 they're responsible for their own affairs. It should not
11 be passed on to us.

12 Now, if it's something that's actually
13 going to benefit us as a customer, such as developing
14 these wind farms and so on, something like that, something
15 that's actually going to give back to the customers, I
16 could understand a rate increase like that, something
17 that's actually going to benefit the public.

18 But what we're talking about here is
19 recuperating costs, and that's not acceptable. That's not
20 something that we can go continue to pass on to customers,
21 just like the oil companies are. You know, we had one oil
22 company that posted a \$3 billion profit in one quarter, a
23 single oil company.

24 These oil companies have the same mentality
25 as some of these utility companies. They have all the

1 power because this is what they own. Nobody else has the
2 opportunity to go through and say, hey, you can't do this,
3 because they own it. That's all there is to it. This is
4 the only choice we've got. They can go through and
5 determine what we're going to pay.

6 We have no other alternative. It's either
7 live with the power, pay the rates, or don't live with
8 power, and right now it doesn't -- it's not cost effective
9 for me to go through and run my generator to run all the
10 things in my house, so I pretty much have to stay on
11 Empire.

12 If I had another alternative means, if I
13 had my own wind farm or if I had solar panels on my house,
14 by God, I'd be off of Empire. I definitely would. And
15 not everybody in this room has that opportunity. As a
16 matter of fact, I don't think anybody in this room really
17 has that opportunity because that stuff is just too
18 expensive for the private individual to do on their own.
19 It really is. It's not effective. Even if somebody could
20 afford to do it, it wouldn't pay for itself in their whole
21 lifetime. That's how expensive it is. It's not worth it.

22 Now, for a large company like this, it
23 would be worth it. They want to develop something like
24 that and put something like that in effect, I'll put my
25 name on that fucking increase right now. Sorry for my

1 language. Sorry about that. I'll be more than happy to
2 do, if it's going to benefit the people. But that's not
3 what we're talking about here, and that's not what's
4 happening, and that's what needs to happen. One flat
5 increase like that, let's do something like that. I'm all
6 for it.

7 You know, I have the privilege of living
8 next to two World War II veterans. They're both in their
9 80s, and both of them huddled in their home for eight days
10 without power because they had to. I live right off of
11 Main Street in Joplin, between First Street and F Street.
12 From Main Street to three or four blocks off of Main
13 Street, I can't remember what the actual name of the road
14 is, I think it's -- I can't remember. You guys know what
15 it is. There was no power for every bit of that eight
16 days. Every bit of that eight days. And there's tons of
17 businesses and tons of residences in that area.

18 And there's a lot of older couples that
19 live up in my neighborhood, a lot, and each one of them
20 suffered, because none of them left their homes because
21 they could not afford to. And, you know, I tried to do
22 everything I could. I bought a generator. I invited them
23 over to my house. I was able to run my central heat and
24 air off my generator to keep my house warm, and I invited
25 everyone I could over to my house to try to take care of

1 them.

2 And I don't see this company doing that.
3 You know, we can have warming centers all day, but that's
4 only just a small fraction of the things that we can do.
5 There's not enough customer service in this company to go
6 through and show that these customers are being taken care
7 of. There's not. When we call up -- I know that they
8 were busy. I never got through to anybody. And I know
9 the people that did, some were met with courtesy and
10 others were not.

11 You saw the crews running around town, they
12 were doing their work. Just like all these other people
13 said, they were busting their hump trying to get people
14 back into power so they could enjoy their Christmas,
15 because I know that some of these people when Christmas
16 came around, they were lucky that they even had power
17 because that's how bad it was.

18 We're in a section right now where
19 municipally held companies are more beneficial than
20 privately owned. If this company can step up, I'll be
21 more than happy to continue to stay a customer. Otherwise
22 I'll find another means. That's all I have to say.

23 JUDGE VOSS: Commissioner Clayton?

24 COMMISSIONER CLAYTON: Mr. Gonzales, I just
25 had a few questions and I'll quickly get to those. At the

1 beginning of your comments you suggested that if the
2 increase were going to add value or to do something new,
3 like perhaps a wind farm, a new type of generation, that a
4 rate increase wouldn't be as offensive to you. Did I
5 write that down correctly?

6 MR. GONZALES: That is correct, sir. If
7 it's something that will benefit the people more
8 effectively across the board, I will stand behind that.

9 COMMISSIONER CLAYTON: And have you lived
10 in Joplin? You do live in Joplin; is that correct, sir?

11 MR. GONZALES: Yes, I do. I've lived here
12 for about 13 years.

13 COMMISSIONER CLAYTON: 13 years. So you've
14 been here during the last two rate increases that occurred
15 in '04 and I think '05 or '06?

16 MR. GONZALES: I did actually reside here.
17 Unfortunately, I was not in the country at the time. I
18 was overseas.

19 COMMISSIONER CLAYTON: You were overseas.
20 Okay.

21 MR. GONZALES: Yes, sir.

22 COMMISSIONER CLAYTON: Okay. I don't think
23 I have any other questions. Thank you for your services
24 as well, Mr. Gonzales. I appreciate your testimony.

25 JUDGE VOSS: Commissioner Jarrett?

1 COMMISSIONER JARRETT: Mr. Gonzales, I
2 don't have any questions either, but thank you for your
3 testimony. It's been very helpful.

4 MR. GONZALES: Thank you, sir.

5 JUDGE VOSS: Thank you. You're excused.

6 (Witness sworn.)

7 MS. WEBSTER: My name is Novella -- thank
8 you. My name is Novella Webster, N-o-v-e-l-l-a,
9 W-e-b-s-t-e-r, and I am an Empire customer.

10 JUDGE VOSS: Please proceed with your
11 testimony.

12 MS. WEBSTER: I'm opposed to Empire getting
13 a pay raise because I don't think that pay raises should
14 be given to companies or individuals when they're not
15 doing a good job with the money that they're getting now.
16 I have two big reasons for that. One is poor service.
17 I'll get to that in a second.

18 The other is that I see that in the handout
19 part of the money is supposed to be going toward the
20 construction of a new power plant. Actually, new wind is
21 cheaper than new coal. When wind is compared to coal
22 that's being made with an existing power plant, yes, it's
23 more expensive, but that money really could be used better
24 for building wind powered generation, you know, wind
25 farms.

1 The other thing going along with that is
2 that I strongly support net metering. If we actually had
3 some incentives to get those expensive solar panels on our
4 homes and were able to sell back the -- the energy that we
5 create and get fair market value for that, then there also
6 would not be as much reason, at least in the long term,
7 for additional power plants.

8 In terms of the poor service, first, there
9 is a tree catty-corner across the street from me, so
10 it's -- it would be right on my power line, that has one
11 branch that is kind of forked over the line and another
12 two branches that are -- or another one branch that is
13 laying on the line. And last time we had ice, not the big
14 ice storm, just a run of the mill ice, there were another
15 two branches that were all iced over and laying on the
16 power line then. I complained about it. Our neighbors
17 complained about it, multiple times. Nothing's been done.

18 Along the same line with the ice storm, we
19 had a neighbor that has cancer, and everybody in the
20 neighborhood was calling. Everybody was out for about
21 five days. They came on the day before I did, but they
22 were still out for the same amount of time, despite
23 multiple calls and us telling them that this woman has
24 cancer, she has no place that she can go to, she has no
25 heat, and they would give us assurances, oh, she's right

1 at the top of the list, we'll get it done. They never got
2 on any faster than anybody else. The husband was
3 practically beside himself by the time it finally came on.

4 And somebody mentioned that their March
5 bill was actually -- or the February bill was more
6 expensive. That was my experience, too. I don't have in
7 my checkbook what my December -- or January bill was
8 because I overpaid on December, so January was not
9 representative, but when I compare February and March, my
10 March bill was actually lower than my February bill
11 despite me being out for five days.

12 Another thing in terms of billing, I have a
13 friend that had wanted to be here tonight who was out of
14 the country for, well, for a month, and her bill wasn't a
15 bit lower after returning than it had been if she had been
16 occupying the home for the whole month.

17 So -- so given these problems with
18 maintenance -- oh, and one other thing is Empire is
19 responsible for the electrical in a neighborhood park that
20 I walk my dog through every day, and there is a very heavy
21 globe that is over one of the lamp posts. I'm not sure
22 what happened, but it is offset so that it is now -- the
23 weight of all of this big globe is leaning against a
24 fairly narrow piece of glass. Has been for now three
25 weeks, and will eventually break. It's just a matter of

1 time. I've complained. My understanding is that the
2 parks department doesn't fix it, it is an Empire issue,
3 and that Empire has consistently when there's been other
4 problems with lighting dragged their heels and not wanted
5 to do what they're contracted to provide for the city.

6 So given all of those things, I see no
7 reason to reward them for additional -- you know, with
8 additional money when they're not making good use of what
9 they have now. I totally agree with what Mr. Graves was
10 saying about the big corporations passing on the expense
11 of doing business to the customers, and actually what
12 they're also trying to pass on to us is the -- the raises
13 for the CEO and any dividends to the shareholders, but yet
14 the average customer isn't being helped at all.

15 I would just want to end with wondering to
16 what extent Empire is ingratiating itself with people in
17 the Missouri Congress by donations, because certainly we
18 all know that there's lots of lobbying going on, and --
19 and I certainly hope that that doesn't affect the outcome
20 of this. That's my conclusion.

21 COMMISSIONER CLAYTON: Thank you very much
22 for coming, Mrs. Webster. I just wanted to -- I don't
23 have any questions for you. I was just going to say, I
24 appreciate your comments on the renewable energy issue and
25 those on net metering. Those are things that Missouri has

1 a long way to go in bringing us up to what other states
2 are doing. But other than that, I don't think I have any
3 other questions for you. Thank you very much.

4 JUDGE VOSS: Commissioner Jarrett?

5 COMMISSIONER JARRETT: Ms. Webster, thank
6 you. I don't have any other questions either. I
7 appreciate you waiting all this time to finally get a
8 chance to speak. Your testimony is very valuable and
9 helpful. Thank you.

10 JUDGE VOSS: Thank you, Mrs. Webster.
11 You're excused.

12 MR. OCHOA: That's the last name on my
13 signup sheet. Is there anyone else who wishes to testify
14 at this time?

15 We have one other one, your Honor.

16 MS. KENT: My name is Donna Graves,
17 D-o-n-n-a. It's Kent. Graves is my maiden name. Sorry.
18 K-e-n-t.

19 (Witness sworn.)

20 JUDGE VOSS: And you're currently a
21 customer of Empire?

22 MS. KENT: Yes, I am, at my home, residence
23 and at my business. I think most things tonight that have
24 been said are very important and they were things that
25 really needed to be said.

1 Over the last few years all of the raises
2 that Empire has had -- I just paid at our business the
3 highest electric bill that we have ever received. We have
4 a barber and beauty shop here in town and we have had for
5 over 20 years.

6 We have a lot of employees, young girls
7 that are either single mothers or, if they are married,
8 their income to their families is not very high. I don't
9 know how they can afford to pay any more. Mr. Vogel made
10 a good point, I thought, that that \$10 that they want on
11 their bill, that's what people are buying hamburger meat
12 with, so I -- I don't know how people can afford to pay
13 any more.

14 The electric company has a raise. The
15 water company has a raise. The gas company has a raise.
16 Our taxes have went up. People have to stand up and they
17 have to say we cannot pay any more. Do I feel very
18 fortunate to live in this country? I do. Do I think that
19 we have the best country in the world that there is? We
20 do have. People just have to stand up for their rights.
21 We cannot pay any more.

22 Myself as a person, my husband and I
23 probably make together maybe close to \$70,000 a year.
24 These gentlemen that I read in the paper today, what
25 they're making, to me is unreal. My husband works for

1 have any questions either, but I appreciate your
2 testimony, and thank you for again waiting so long to
3 finally get to speak.

4 MS. KENT: Thank you.

5 MR. OCHOA: Is there anyone else who wishes
6 to testify before the Commission? I don't see any other
7 witnesses, your Honor.

8 JUDGE VOSS: I'd like to thank everyone
9 again for the long wait and the technical difficulties.
10 We appreciate all the comments we received tonight and
11 that concludes the public hearing. Thank you very much.

12 WHEREUPON, the public hearing was
13 concluded.

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1 C E R T I F I C A T E

2 STATE OF MISSOURI)
3 COUNTY OF COLE) ss.

4 I, Kellene K. Feddersen, Certified
5 Shorthand Reporter with the firm of Midwest Litigation
6 Services, and Notary Public within and for the State of
7 Missouri, do hereby certify that I was personally present
8 at the proceedings had in the above-entitled cause at the
9 time and place set forth in the caption sheet thereof;
10 that I then and there took down in Stenotype the
11 proceedings had; and that the foregoing is a full, true
12 and correct transcript of such Stenotype notes so made at
13 such time and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

16

17 Kellene K. Feddersen, RPR, CSR, CCR
18 Notary Public (County of Cole)
My commission expires March 28, 2009.

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